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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/695,216	10/25/2000	Gregory J. Lauckhart	4127-4001	2292

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MORGAN & FINNEGAN LLP  
345 Park Avenue  
New York, NY 10154

EXAMINER

WILLETT, STEPHAN F

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 11/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/695,216

Applicant(s)  
Bartot et al.

Examiner  
Stephan Willett

Art Unit  
2141



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Mar 1, 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-69 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-69 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 3-4 6) ☐ Other:

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## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 6, 8 are objected to because of the following informalities: Claim 6 states “to a at least” and states “contents of said said at least”; claim 8 states “wherein a client client uses” .  
Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. A “clean traffic data sample” is unclear.

### ***Claim Rejections - 35 USC § 103***

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

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the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bull et al. with Patent Number 5,995,943 in view of Lee et al. with Patent Number 6,601,100.

7. Regarding claim(s) 1, 6, 7, 33, 45, 48, 53-55, 60, 65, Bull teaches storing traffic content collected, such as a URL, col. 14, lines 43-46 and col. 16, lines 13-15. Bull teaches storing summarized traffic data, col. 8, lines 7-8 and col. 15, lines 18-21. Bull teaches a GUI display to present data, col. 10, lines 24-26. Bull teaches statistically sampling data, col. 16, lines 1-5. Bull teaches the invention in the above claim(s) except for explicitly teaching estimating traffic at a Web cite. In that Bull operates to analyze content of the Internet, the artisan would have looked to the network monitoring arts for details estimating network content. In that art, Lee a related network monitor, teaches "the server process gets a Web page with its metadata", col. 6, lines 5-6 in order to provide relevant data. Lee specifically teaches counting "the numbers of distinct occurrences of one or more metadata types", col. 6, lines 33-34. Analyzing web page content at a web cite is also taught. Further, Lee suggests "metadata about the Web page is a description of the Web page itself and/or its content", col. 5-6, lines 66-1 which results from the monitoring

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functions. The motivation to incorporate Web cite traffic analysis insures clients, servers and intermediaries to network processing are appraised of the data they are forwarding. Thus, it would have been obvious to one of ordinary skill in the art to incorporate server page analysis as taught in Lee into the monitoring system described in Bull because Bull operates with client and servers and Lee suggests that optimization can be obtained by monitoring data transmitted at a Web server. Therefore, by the above rational, the above claims are rejected.

8. Regarding claim(s) 2, 56, 61, 66, Bull teaches retrieving data from a proxy cache server, col. 3, lines 8-11 and col. 7, lines 12-13.

9. Regarding claim(s) 3, 25, 34, 37, 50, 57, 62, 66, Lee teaches number of impressions of content, col. 6, lines 38-40.

10. Regarding claim(s) 4, 23-24, 29-31, 35, 38, 41-43, 46, 49, 51, 58, 63, 68, Bull teaches a prober or monitor that fetches pages, col. 8, lines 38-41 and classifies or indexes them, col. 11, lines 60-64.

11. Regarding claim(s) 5, 20-21, 59, 64, 69, Bull teaches using criteria dependent reporting, col. 8, lines 5-6, 15-17 and col. 10, lines 24-26.

12. Regarding claim(s) 8, 10, Bull teaches a Web front end browser on the Internet, col. 9, lines 4-5 and col. 8, lines 59-61.

13. Regarding claim(s) 9, 24, 32, 44, Bull teaches system operator administration, col. 8, lines 43-48.

14. Regarding claim(s) 12, 27-28, 39-40, 52, Lee teaches removing URL and user data, col. 6, lines 22-23 and col. 7, lines 23-29.

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15. Regarding claim(s) 13, Lee teaches counting URL Gets, col. 6, lines 33-35.
16. Regarding claim(s) 14, 16, 18, Bull teaches mapping data, col. 13, lines 12-14.
17. Regarding claim(s) 15, 24, Lee teaches probability to sample a URL as rate data, col. 14, lines 20-27 and col. 15, lines 24-30 and Bull teaches URL contribution as part of the statistics, col. 15, lines 53-56.
18. Regarding claim(s) 17, Bull teaches CGI, col. 1, lines 17-18.
19. Regarding claim(s) 19, 26, Bull teaches various data content such as audio, images, etc., col. 15, lines 1-3.
20. Regarding claim(s) 22, Lee teaches XML structures, col. 9, lines 40-47.
- 21.
22. Regarding claim(s) 36, 47, Bull teaches advertising content, col. 8, lines 19-21 and col. 16, lines 1-5 and in Lee at col. 16, lines 30-34.

### ***Conclusion***

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure is disclosed in the Notice of References Cited. The other references cited teach numerous other ways to perform data and web page content monitoring, thus a close review of them is suggested.
24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephan Willett whose telephone number is (703) 308-5230. The examiner can normally be reached Monday through Friday from 8:00 AM to 6:00 PM.


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25. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia, can be reached on (703) 305-4003. The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

26. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9605.

sfw

October 29, 2003

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LE HIEN LUU  
PRIMARY EXAMINER